

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 14th March, 2014

No. SEC/4E-II/2014/503.— The State Election Commission *vide* its Notification No. SEC/3E-II/2010/1773 dated 15th May, 2010 issued a time schedule for the conduct of 4th General Elections of Panchayati Raj Institutions in thirteen districts of the State, including district Jind. As per the time schedule, the elections took place on 6th June, 2010 and 10th June, 2010. The polling of Gram Panchayat Rojhla, block Safidon, district Jind, took place on 6th June, 2010.

2. The Returning Officer (Panchayat) had appointed Sh. Dayakishan S.S. Master, Government Sr. Secondary School, Shamlo Kalan, district Jind as Presiding Officer for the election of Panch, Ward No. 7, Gram Panchayat, Rojhla under Rule 21 of the Haryana Panchayati Raj Election Rules, 1994. It was the duty of the Presiding Officer at a polling station to maintain order and to see that the poll takes place in a free and fair manner as provided under rule 22 of the Haryana Panchayati Raj Elections Rules, 1994.

3. Rule 70 of the Haryana Panchayati Raj Elections Rules, 1994, provides that the Returning Officer (Panchayat) or the Assistant Returning Officer (Panchayat) shall declare the candidate to be elected for the office of Panch who has secured the largest number of valid votes and certify the return of election in Form 18. Sh. Dayakishan, S. S. Master wrongly issued Election Certificate in favour of Smt. Meena Devi W/o Sh. Sh. Suraj Bhan and showed 58 votes cast in her favour. However, the fact is that in Form 14 and 18 (result sheet for election of Panch and Form of Return of Election of Panch respectively), 58 votes were shown to have been cast in favour of Smt. Manisha Devi and 46 in favour of Smt. Meena Devi. The action of Sh. Dayakishan, S. S. Master was thus, malafide and against the provisions of Haryana Panchayati Raj Act and Rules, 1994.

4. The Deputy Commissioner-cum-District Election Officer (P), Jind did not recommend Smt. Meena Devi and instead recommend the name of Smt. Manisha Devi W/o Sh. Shreepal, who has got the highest vote as shown in Form No. 14 & 18, for notification for the post of Panch, Ward No. 7, Gram Panchayat, Rojhla. The State Election Commission accordingly notified her name in the Haryana Government Gazette on 6th July, 2010. She also took oath on 25th July, 2010.

5. Aggrieved with the decision of Deputy Commissioner-cum-District Election Officer (P) and Sub-Divisional Magistrate-cum-Returning Officer (P), Jind, Smt. Meena Devi filed a CWP No. 16204 of 2010 in the Hon'ble Punjab and Haryana High Court and prayed for quashing the action. The CWP was finally heard on 18th December, 2013 and Hon'ble Court dismissed the same by observing that the certificate issued by the Presiding Officer was without jurisdiction.

6. Sh. Dayakishan, S. S. Master while performing the duties of Presiding Officer (P) has not only violated the provisions of the Haryana Panchayati Raj Act/Rules, 1994, but also vitiated the election process. This shows that Sh. Dayakishan, S. S. Master acted in a malafide manner and his integrity has become doubtful.

7. In view of above, the State Election Commission, Haryana hereby debars Sh. Dayakishan, S.S. Master, Government Sr. Secondary School, Shamlo Kalan, district Jind from election duty in future and directs that a copy of this order be placed in the service book as well as be attached with the Annual Confidential Report of the year concerned.

8. This order should also be got notified in the Official Gazette.

By order,

Secretary,

State Election Commission, Haryana.

Panchakula:

The 13th March, 2014.